

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**MARIE NOISSETTE ON BEHALF OF
THE ESTATE OF CARL DAVID
NOISSETTE**

Plaintiff,

v.

**CITY OF PHILADELPHIA et al.,
*Defendants.***

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CIVIL ACTION

No. 16-6419

ORDER

AND NOW, this 19th day of October, 2017, upon consideration of the Plaintiff's First Amended Complaint (Doc. No. 7), Defendants' Second Motion to Dismiss for Failure to State a Claim (Doc. No. 20), the Plaintiff's Response (Doc. No. 24) Defendant MHM's Motion to Dismiss (Doc. No. 27) Plaintiff's Response in Opposition (Doc. No. 30) and oral argument held on September 27, 2017 relating thereto, it is hereby **ORDERED** that:

- 1) The Motion to Dismiss (Doc. No. 20) is **GRANTED** as to all claims against the City of Philadelphia, Commissioner Blanche Carney, Warden Gerald May, and Chief Medical Officer Bruce Herdman.
- 2) The MHM Motion to Dismiss (Doc. No. 27) is **GRANTED** as to all counts against MHM Services, Inc.

- 3) All claims dismissed are without prejudice. The plaintiff is granted leave to amend the complaint.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE